

REMARKS

Claims 1-33 are pending in the application.

Claims 1-33 stand rejected.

Claims 1, 4, 6, 10, 12, 15, 16, 18, 21, 22, 24-28, 30, and 33 have been amended.

Formal Matters

Claims 2 and 9 are objected to for reciting “a utility” instead of “an utility.” Applicant respectfully notes that “a utility” is proper English usage, and “an utility” is not.

Rejection of Claims under 35 U.S.C. § 102

Claims 1-12, 15-18, 21-24 and 27-32 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Trimmer, et al., U.S. Patent Publication No. 2004/0111251 (Trimmer). Claim 1 is amended to recite a “virtual device interface, wherein said virtual device interface is configured to allow a primary storage unit to be accessed as a secondary storage unit, and said virtual device interface is coupled to control said primary storage unit and said secondary storage unit.” Applicant respectfully submits that claim 1 distinguishes over Trimmer by reciting a “virtual device interface coupled to control ... said secondary storage unit.”

Trimmer does not teach a virtual device interface coupled to control a secondary storage unit. Trimmer’s tape drives are comparable to secondary storage units, and Trimmer’s disc drives are comparable to primary storage units. (*See* Trimmer, paragraphs 1-5). Trimmer discloses an emulation model within a Virtual Tape Library (VTL). (*See* Fig. 2). According to Trimmer, “a VTL is a disk based repository or storage medium [i.e., a primary storage unit].”

Thus, Trimmer's emulation model is coupled to a primary storage unit, the VTL, but is not coupled to a secondary storage unit, such as a tape drive. Applicant is unable to find anywhere that Trimmer shows, teaches or suggests that the emulation module is coupled to control to a secondary storage unit.

With respect to a virtual tape interface coupled to control a secondary storage unit, the Office action states, "Trimmer describes the virtual tape library capable of emulating multiple physical tape libraries; Trimmer's page 3, paragraph 24; the physical tape library are used for controlling secondary storage units such as tape devices; Trimmer's page 1, paragraphs 1-4." Page 3, lines 18-22. Applicant respectfully submits that neither of the cited portions of Trimmer (paragraph 24 and paragraphs 1-4) shows, teaches or suggests a virtual tape interface coupled to control a secondary storage unit.

Paragraph 24 of Trimmer, in relevant part, states, "a single emulation module may be used to emulate more than one PTL [Physical Tape Library]." By teaching that a module is capable of emulating a PTL [i.e., a secondary storage unit], Trimmer is not teaching that the module is coupled to control the PTL. Similarly, teaching a single emulation module for emulating more than one PTL does not teach an emulation module coupled to control the PTL.

Paragraph 4 of Trimmer states, "DPAs are designed specifically to work with physical tapes, tape drives and PTLs." However, a DPA is a data protection application, not an emulation module or a virtual device interface. In fact, Trimmer notes that the need for an emulation module arises from the deficiencies of DPAs: "DPAs were designed to work with physical tape libraries and they encounter numerous difficulties when dealing with disk arrays." Because a DPA is not a virtual device interface, teaching that a DPA is designed to work with a physical

tape library does not teach that a virtual device interface is coupled to control a physical tape library.

In conclusion, Claim 1 distinguishes over Trimmer by reciting a “virtual device interface, wherein said virtual device interface is configured to allow a primary storage unit to be accessed as a secondary storage unit, and said virtual device interface is coupled to control said primary storage unit and said secondary storage unit.” Accordingly, Applicant submits that independent claim 1 is allowable over Trimmer. Applicant submits that independent claims 10, 16, 22, and 28 are allowable for at least the same reasons claim 1 is allowable. Therefore, Applicant submits that independent claims 1, 10, 16, 22, and 28, as well as claims 2-9, 11-15, 17-21, 23-27, and 29-33, which depend from claims 1, 10, 16, 22, and 28, are in condition for allowance.

Rejection of Claims under 35 U.S.C. § 103

Claims 13, 14, 19, 20, 25, 26, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Trimmer, et al., U.S. Patent Publication No. 2004/0111251 (Trimmer) and further in view of Anna, et al., U.S. Patent Publication No. 2004/0078639 (Anna).

Claims 13, 14, 19, 20, 25, 26, 31, and 32 depend from independent claims 10, 16, 22, and 28. Therefore, claims 13, 14, 19, 20, 25, 26, 31, and 32 are patentable for at least the same reasons that claims 10, 16, 22, and 28 are patentable. Accordingly, Applicant requests withdrawal of the rejections based on 35 U.S.C. § 103. Applicant therefore submits that claims 13, 14, 19, 20, 25, 26, 31, and 32 are in condition for allowance.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 3, 2005.

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